

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION**

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|--------------------------------------|---|--|
| Thomas E. Webb, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 8:13-cv-00229-JMC-JDA |
| v. |) | |
| |) | |
| |) | ORDER |
| HCA Nurse McDonald, Dr. Pate, Warden |) | |
| McCall, Nurse Ham, Dr. Drago, Nurse |) | |
| Fulton, Dr. Benior, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court for review of the magistrate judge's Report and Recommendation ("Report"), (ECF No. 71), filed February 4, 2014, recommending that Plaintiff's motion for a preliminary injunction be denied. *Id.* Plaintiff brought this action seeking relief pursuant to 42 U.S.C. § 1983 and alleging that Defendants are refusing to treat his Hepatitis C. The Report sets forth in detail the relevant facts and legal standards for this matter which the court incorporates herein without recitation.

The magistrate judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report (ECF No. 71-1). However, Plaintiff filed no objections to the Report. In the absence of objections to the magistrate judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* FED. R. CIV. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

Therefore, after a thorough and careful review of the magistrate judge's Report and Recommendation and the record in this case, the court finds the magistrate judge's Report provides an accurate summary of the facts and law concerning the instant matter. The court **ACCEPTS** the Report and Recommendation. (ECF No. 71). Plaintiff's motion for a preliminary injunction (ECF No. 32) is thereby **DENIED**.

IT IS SO ORDERED.



United States District Judge

March 7, 2014
Greenville, South Carolina